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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Adnan Mustapha

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EXAMINER

HSIAO, JAMES K

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

04/13/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,504	Applicant(s) MUSTAPHA ET AL.	
	Examiner JAMES K. HSIAO	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5 and 7, it is not clear in light of the specification what is required by the limitation "smaller than 1". The spec appears to allow for the load or slip value to be equal to or less than 1 or 100%.

Regarding claims 5 and 7, it is not clear in light of the specification because the disclosure appears to allow the permissible pressure differential to be proportional to the load whereas the claim appears to always reduce the permissible pressure differential because it determines the maximum pressure difference by multiplying the actual pressure differential by less than 1. Since the specification and the claim do not correspond, it is not clear how the claims should be interpreted.

Regarding claims 5 and 7, it is not clear what parameters of slip and load are required as there are alternatives. Is it the slip or the load, or is it both? What is the difference in regards to the load/slip of the axle or the load/slip of the wheels of the axle?

Regarding claims 10, 11, 16, 17, 25 and 26, it is not clear as these claims appear to directly contradict the parent claims. The requirements for the manner in which the

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maximum value is determined appears to be redefined by these claims. Claims 10, 11, 16, 17, 25, and 26 appear to be consistent with the disclosure but not with the parent claims in which they depend from.

Claims 5-26 will be examined as best understood.

NOTE

3. Regarding claims 10-13, 16 and 17, the parent claim to these claims is an apparatus claim. These claims appear to recite steps of a method claim without imparting any structure or function attached to that structure. For example: claim 10 recites; "wherein the control device determines..." To properly attach this claim to the apparatus claim, its control device and its function, the claim should read "wherein the control device is *configured to* determine..."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Friederichs et al. (US-5944394).

Regarding claims 5 and 7 (as best understood), Friederichs et al. discloses a device for reducing a yawing moment on a front axle of the vehicle (2, 9, fig 1); at least one of a device for measuring a slip (9) and a device for measuring a load (change in

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braking pressure is indicative of a load) on a rear axle or on two running wheels of the rear axle of the vehicle arranged on sides opposite one another (abstract); and a control device for influencing brake pressure on the front wheels which limits the brake pressure on the front wheels depending on at least one of a measured slip and of a measured load on the rear axle or on the running wheels of the rear axle (abstract), wherein the control device is capable of determining a maximum value for a difference of the brake pressures on the front wheels by multiplying the difference of the brake pressures on the front wheels by a value which is smaller than 1 (fig 1 and 2, abstract). While looking at figure 2, if Δp_2 is the maximum or 100% load pressure differential then any Δp for loads lower than Δp_2 can be represented by a value less than 1 multiplied by the difference since the reference discloses a proportional relationship (abstract).

Regarding claims 6 and 8 (as best understood), any vehicle the can be used for a purpose can be interpreted as a utility vehicle.

Regarding claim 9 (as best understood), see pressure sensors 6.

Regarding claims 10-17, 19-22, and 24-26 (as best understood), see col. 4, lines 23-34.

Regarding claims 14 and 23 (as best understood), see the relationship between P_B and (t) in figure 2.

Regarding claim 18 (as best understood), see abstract.

Response to Arguments

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6. Applicant's arguments with respect to claims 5-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES K. HSIAO whose telephone number is (571)272-6259. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

JKH